

TOP SECRET

SENSITIVE

10 June 1969

MEMORANDUM FOR THE RECORD

Morning Meeting of 10 June 1969

DD/I reported that it looks like there will be an NSC meeting on Friday, with the Director presenting a ten-minute brief on strategic posture (NSSM No. 3). The Director noted that General Cushman will probably present the briefing and asked that it be prepared promptly for their review.

Godfrey called attention to [] reporting that arms are being distributed to certain families in Libya. He noted that they will attempt to publish a Situation Report on Libya in the near future, and the DD/P asked Godfrey to get in touch with the ADD/P to obtain his input.

25

D/ONE reported that they have encountered no difficulty in coordinating the Soviet maritime paper. He noted that there will be a clean-up session tomorrow on the Memorandum to Holders of NIE 11-8 and that there are major problems with DOD elements on two points. The Director indicated that he will try to make himself available sometime today or tomorrow for a briefing on these differences.

DD/S noted Robert Froehlke's considerable interest in our polygraph techniques and procedures.

Carver briefed on his session yesterday with Secretary Laird.

Maury reported that Roland Paul and Walter Pincus of the staff of the Symington Subcommittee of the Senate Foreign Relations Committee have requested a briefing on Wednesday, 18 June, on Japan, Okinawa, Thailand, Taiwan, Laos, and the Philippines. The Director concurred but asked that the briefing be undertaken at Headquarters rather than in their offices on the Hill.

TOP SECRET

SENSITIVE

~~TOP SECRET~~ ~~SENSITIVE~~

Maury pointed to State's projected briefing of Senator Proxmire on the Soviet economy and recalled the Senator had been told that we would make our input to State. The Director commented that he will probably be talking with Tom Hughes on another matter today and will remind him of the requirement to include Agency-provided material.

Houston reported that Sam Papich dropped in yesterday to discuss the Ervin bill problem. Houston said he suggested to Papich that he seek to call Ken BeLieu and added that he himself has not yet been able to reach Mr. BeLieu on this matter.

Parrott for Bross reported that he will be seeing Mr. Maurice Mountain, Director of Economic Affairs and Foreign Disclosure, ISA. Noting that the work of this staff may pertain to the Director's statutory responsibilities, Parrott asked to see the Director before meeting with Mr. Mountain this afternoon.

DD/S&T related that they briefed Dr. Foster on Soviet Attack-Class submarines, particularly their small nuclear power package. He noted that the Navy would now like to receive the same briefing. The Director concurred but expressed the hope that the number of these briefings can be limited.

Executive Director reported that [] study has been distributed and asked those on distribution to provide comments as appropriate. He pointed to the advantages of having the Director in the chair at tomorrow's special briefing of USIB on [] system. After some discussion the Director agreed to attend.

[]
L. K. White

Addition:

Maury called attention to the item in today's New York Times reporting the exchange between Senators Kennedy and Thurmond over Associate Justice William O. Douglas. Maury noted that the 9 June Congressional Record item on this exchange contains mentions of CIA,

~~TOP SECRET~~ ~~SENSITIVE~~

Kennedy and Thurmond Clash In Angry Debate Over Douglas

By United Press International

WASHINGTON, June 9—Senators Edward M. Kennedy, Democrat of Massachusetts, and Strom Thurmond, Republican of South Carolina, debated angrily today over Associate Justice William O. Douglas of the Supreme Court.

Senator Thurmond demanded that Justice Douglas resign because of his off-the-bench activities.

Senator Kennedy asked Mr. Thurmond to cite an instance—"just one example"—of improper conduct by Justice Douglas.

The debate started as Senator Thurmond was delivering a prepared speech on Justice Douglas's association with the Parvin Foundation and the foundation's support of the Inter-American Center for Economic and Social Studies.

Mr. Thurmond said the center was a "socialist" organization that had slurred the United States during the Dominican Revolution.

Senator Thurmond mentioned José Figueres as a member of then center, but he stumbled over pronunciation of the name. Mr. Figueres is a former president of Costa Rica, where the center was located.

Senator Kennedy interrupted Mr. Thurmond with the correct Spanish pronunciation. This appeared to infuriate Mr. Thurmond.

"Are you holding yourself out as an expert? Are you correcting my English?" Senator Thurmond asked. "What was your record at Harvard?"

This was an apparent allusion to Senator Kennedy's involvement in a cribbing incident while he was a Harvard undergraduate. It quieted Mr. Kennedy for a moment.

Then he interrupted Mr. Thurmond again to ask for specific citations of wrongdoing by Justice Douglas.

"If the Senator will keep quiet and listen for a few minutes he might learn something," Senator Thurmond retorted. He then repeated that Justice Douglas was chairman of the Parvin Foundation which, he said, along with the Central Intelligence Agency, supported the center financially.

"I call upon him again to resign as an Associate Justice," Senator Thurmond shouted.

Participation Queried

"Will the Senator give us some idea of Douglas's participation in the center?" Senator Kennedy asked.

"He took an active part in the center. He was chairman of the foundation," Mr. Thurmond yelled back.

"What possible discredit could that bring on Douglas?" Did he go down there [to Costa Rica] and lecture?" Mr. Kennedy inquired.

"Douglas is a Supreme Court Justice. And he's going out everywhere and making speeches. He's chairman of the Parvin Foundation. In my opinion he ought to stay out of those things," Senator Thurmond said.

Senator Kennedy replied that for "four or five hundred years judges have been encouraged to have some association with events of their time.

"We can't have them isolated from issues in our society. We should not condemn Justices because we disagree with them."

Senator Thurmond answered that Mr. Kennedy could defend Justice Douglas if he wanted to.

'Other Speeches to Make'

"I shall have other speeches to make about him," Mr. Thurmond said. "It's perfectly ridiculous [for Justices] to serve on boards of foundations that might have come before the Supreme Court. It was wrong for Douglas to accept \$90,000 from the Parvin foundation and \$500 a day from the center for Democratic Institutions. All these things are calculated to entwine him in things he might have to pass on.

"He ought to be ashamed to stay on the Court!"

"Give us one example, just one example, of a case where Douglas was involved that he later had to decide," Senator Kennedy said.

"The Parvin Foundation may well end up in court yet," Senator Thurmond replied.

June 9, 1969

CONGRESSIONAL RECORD — SENATE

S 6209

Today's students are acutely aware of a society which promises great promises and dreams great dreams . . . and invites great disappointments by leaving so much unfulfilled. The slogans of the recent past—New Deal, New Frontier, Great Society—all seem pretty shallow in a nation riven by the poverty gap, the culture gap, the racial gap and all the other separations that divide us. There is a gnawing frustration in seeing the Kerner Commission Report become, not a summons to action, but just another volume on the sociologists' bookshelf.

Today's students find it difficult to comprehend how the President and the Congress can devote much time and debate to cutting millions of dollars from a Job Corps budget or an educational program and at the same time shrug off with seeming indifference a two-billion-dollar cost over-run on a new airplane.

Today's students find themselves being educated in an environment . . . under a methodology . . . and for purposes which many college administrators themselves find inadequate. HEW Secretary Finch pointed out recently that: "We cannot assume, out of hand, that campus conflict is simply conflict for its own sake: in many instances it is solidly based on legitimate grievances."

In a speech which President Nixon describes as "the most significant and perceptive analysis of what is wrong with our approach to higher education," Professor S. J. Tonsor said this:

"Until there is a restoration of genuine educational purpose, there will be no restoration of confidence by society in its institutions of higher education. That educational purpose does not lie in the first place in pure or applied research, in problem solving or in providing revolutionary change or defending traditional values in the society, though all of these may result from the legitimate endeavors of higher education. Higher education has as its chief goals the education of young men and women in such a way as to make them capable participants in our complicated technological civilization, sophisticated and creative members of our common culture and active and concerned citizens."

Professor Tonsor is right, and as much as I would like to consider the current wave of campus disorders as nothing more than a passing adolescent escapade similar to the party raid of the past, I cannot.

There are fundamental conditions on the campus which must be attended.

All of us—government, the college administrations, the public, the students—have a rightful part to play in the process of curing the conditions and restoring a genuine educational purpose.

Government has the responsibility to negotiate an end to a war, to revise the draft, to be about the business of redressing the inequities that pervade American life. Insofar as college disturbances are concerned, government should be wary of being taunted into a momentary, emotional, vindictive response which, in the words of Attorney General Mitchell, "would certainly play right into the hands of the militants."

University administrators have the obligation to take an in-depth look at their own system and methodology in a world which has changed so enormously in the past two decades, the educational process cannot remain transfixed and immutable.

The public at large has the task of realizing that there is a difference between legitimate student frustration and student chaos. Just as the illegal invasion by several clergymen into a Dow Chemical building does not accurately represent the entire religious community, so too, the rantings of a Mark Rudd do not represent the totality of student thinking.

Finally, and perhaps most important, every student has a role to play. He should freely express his concern for change. He must

question. But he must also summon a degree of sophistication, and be guided by the processes of reason that befit an inquiring intellect so that he may discern the difference between those who would build and those who would destroy.

Today's college student is intellectually dishonest if he expects others to display a more measured and enlightened response to his actions than the student himself is willing to display in pursuit of his goals. Confrontation does produce attention. But violence will produce repugnance and possibly repression, while reason—not surrender, but reason—can produce action and constructive change.

Students must leave government, the college administration and the citizenry as a wholesome alternative to repression.

In essence what I am asking for is a pledge to be true to your ideals, a pledge to see that change is accomplished, not ignored, and the sophistication to seek reform without ruination.

The campus revolt of 1969 is a test for us all. It constitutes an examination of ourselves and our nation which we dare not flunk.

JUSTICE DOUGLAS AND THE PARVIN FOUNDATION

Mr. THURMOND. Mr. President, on several occasions I have raised objection to the political activities of Mr. Justice Douglas. By associating himself with activist organizations such as the Center for the Study of Democratic Institutions, he lays himself open for conflicts of interest which cast doubt on his judicial objectivity, and bring the Supreme Court into low repute.

Today, I would like to point out how certain of his activities in the past in connection with the Parvin Foundation have led to international repercussions. Justice Douglas has taken an active part in the so-called Inter-American Center for Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency. These activities of the Inter-American Center culminated in vicious attacks upon the United States, the U.S. President, and U.S. policies. Thus we have an Associate Justice of the Supreme Court acting virtually as a CIA agent, with ludicrous results. Justice Douglas has denied knowledge of the CIA's participation, but he has not denied the essential facts as revealed in the press. The incident points up the danger of active participation in political groups.

The organization to which I refer went out of existence 2 or 3 years ago, but not before its activities at least indirectly had helped to foment the revolutionary situation in the Dominican Republic in 1963, and which necessitated the intervention of the U.S. Marines to save that country from Communist takeover.

Justice Douglas became a board member of the Inter-American Center for Economic and Social Studies because of his office as president of the Parvin Foundation. The history of this Inter-American Center is most curious. It began under the name of the Institute of International Labor Research, whose chairman was the notorious Socialist, Norman Thomas.

The institute originally began in Costa Rica as a training school for leftwing

radicals under the tutelage of such leftist Latin politicians as Juan Bosch and Jose Figueres.

Mr. KENNEDY. Mr. President, will the Senator yield, or does he wish to continue? I have some familiarity with the individuals about whom he is talking.

Mr. THURMOND. I will be glad to. One of Mr. Figueres' supporters, are you?

Mr. KENNEDY. No. I am able to pronounce his name correctly, and I would think that when you are using it in making charges about an individual, it is helpful to pronounce his name correctly, with due respect to an individual.

Mr. THURMOND. Some pronounce it "Figueres" and some "Figueres."

Mr. KENNEDY. How?

Mr. THURMOND. Some pronounce it "Figueres" and some "Figueres." Are you trying to correct my pronunciation in English, or are you holding yourself up as an English teacher? Are you an expert because you went to Harvard? What was your record at Harvard?

Mr. KENNEDY. All I was trying to get—

Mr. THURMOND. I will not show up your record at Harvard; that is all right.

Mr. KENNEDY. I was trying to get the way Mr. Figueres pronounces his name.

Mr. THURMOND. I will not go into your record at Harvard.

The institute was organized by one Sacha Volman, a naturalized U.S. citizen from Rumania, with a long history of radical organizing activities. Shortly after 1960, the CIA began to channel nearly \$1 million into this institute under the irrational theory that the best way to fight communism is to support left-wing socialism, a fine distinction which is difficult for an ordinary American to understand. Both varieties of socialism are variants of Marxist doctrine, and differ only in the extent of their commitment to Marxist-Leninist doctrines of violent revolution.

Shortly after this period, the institute moved to the Dominican Republic, when Juan Bosch came into power, and changed its name to the Inter-American Center of Economic and Social Studies.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. THURMOND. I am glad to yield.

Mr. KENNEDY. The Senator has talked about the center that existed in Costa Rica. I have some familiarity with the center and what it was trying to do.

Would the Senator tell us a little bit about the center—what kind of students were going to the center?

Mr. THURMOND. The Senator from Massachusetts can tell the Senate what he pleases.

Mr. KENNEDY. I was asking you.

Mr. THURMOND. I am presenting now the record of Justice Douglas, which I think demands that he resign. If the Senator wants to defend Justice Douglas or say anything else on this subject, he has a right to do so when I finish.

Mr. KENNEDY. What has Justice Douglas got to do with the center?

Mr. THURMOND. If the Senator from Massachusetts will listen and not interrupt so much, he will learn.

Mr. KENNEDY. I have been listening.

Mr. THURMOND. If the Senator from Massachusetts will just keep quiet a few

S6210

CONGRESSIONAL RECORD — SENATE

June 9, 1969

minutes, until I get through, he might learn something.

Mr. KENNEDY. I have been listening to the suggestions and the charges of the Senator from South Carolina in trying to identify Justice Douglas with the center for—

Mr. THURMOND. Mr. President, I will not yield.

The PRESIDING OFFICER. The Senator from South Carolina refuses to yield.

Mr. THURMOND. Mr. President, the Inter-American Center then joined with the Parvin Foundation and the National Association of Broadcasters in a program to fight illiteracy in the Dominican Republic. Justice Douglas became a board member of the Inter-American Center, where he naturally was in a position of oversight on all of the Center's projects. At this time, the major source of income of the Center was the CIA.

Because of Bosch's long association with the Inter-American Center, it is safe to conclude that the school was one of his major resource centers for the planning and operation of his government. In fact, as a well-spring of Marxist thought and activities, the Inter-American Center made major contributions to the general feeling in the Dominican Republic that the country was running headlong toward Communist takeover. Responsible citizens in the Dominican Republic felt that Bosch was unable to discriminate against the general leftist-Marxist clique that always surrounded him and the Marxist-Leninist clique that quickly infiltrated his government. The attitude of those who overthrew the Bosch Government was clearly demonstrated by the fact that Volman had to hide out for several days after the coup until he could leave the country. Thereupon, the Inter-American Center—which still had a press operating in Mexico—published a scathing attack on the U.S. policy of intervention in the Dominican situation. The Inter-American Center has apparently gone out of business since these events.

Nevertheless, the history of these events clearly shows how Justice Douglas laid himself open to increasing involvement in U.S. political affairs. From a supposed attempt to teach literacy in the Dominican Republic, this organization, with an Associate Justice of the U.S. Supreme Court on its board of directors, was inextricably drawn to open attacks upon the policies of the President of the United States, with all the domestic implications of such an attack. It is clear that Justice Douglas scarcely understands the relationship of the three branches of our Government, nor the necessity for a Supreme Court Justice to remain aloof from social and political involvements which frequently sweep the participants into untenable positions. This is another example of Justice Douglas' lack of judgment in pursuing outside activities, and I call upon him again to resign his post as Associate Justice of the U.S. Supreme Court.

Mr. President, many of the details which I have just reviewed are related in an article published in the

Times of February 22, 1967, and I ask unanimous consent that the article, entitled "Thomas Upholds CIA-aided Work," be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THOMAS UPHOLDS C.I.A.-AIDED WORK—EX-SOCIALIST LEADER SAYS HE DIDN'T KNOW AGENCY ROLE

(By Steven V. Roberts)

Norman Thomas, the former Socialist Party leader, defended yesterday a program under which Latin-American politicians of the democratic left were trained largely at the expense of the Central Intelligence Agency.

Mr. Thomas was chairman of the Institute of International Labor Research, which ran schools in Costa Rica and the Dominican Republic and a publishing house in Mexico between 1957 and 1965.

J. M. Kaplan, former president of the Welch Grape Juice Company, disclosed last week that the foundation bearing his name had channeled about \$1-million in C.I.A. funds to the institute. Neither Mr. Thomas nor anyone else connected with the institute knew the source of the funds, Mr. Kaplan said.

The J. M. Kaplan Fund was identified as a conduit for C.I.A. funds during a Congressional investigation in 1964.

WHAT WE DID WAS GOOD WORK

"I'm not ashamed of what we did," Mr. Thomas, now 82 years old, said in a telephone interview. "What we did was good work, and no one ever tried to tell us what to do. I am ashamed we swallowed this C.I.A. business, though. If I had a choice I would never have accepted C.I.A. support. That would have let them crush the project at any minute or made us persona non grata in the countries we were working with."

Mr. Thomas said he had "heard rumors" that the money came from the C.I.A., but "they were always denied when I asked Mr. Kaplan about them."

"I ought to have been more curious," he said. "I'm not trying to save myself from justified criticism. I ought to have known, but I didn't."

Mr. Thomas said the institute was the "brainchild" of Sacha Volman, a naturalized citizen from Rumania who had once worked for Radio Free Europe and had spent more than seven years in Nazi and Russian concentration camps.

"Volman came to the conclusion that nothing was being done successfully in Latin America to find an alternative to the Communists or the military oligarchies," Mr. Thomas said.

ORGANIZED 17 PARTIES

Mr. Volman then organized 17 left-of-center parties throughout Latin America to oversee a leadership training school in San Jose, Costa Rica, Mr. Thomas said. The institute was formed in 1957 to provide funds, and Mr. Volman became director of the school, which was called the Institute of Political Education.

Funds were scarce in the early years, and Mr. Thomas approached Mr. Kaplan for help in 1960. According to Mr. Kaplan, the first grant of \$35,000 was not C.I.A. money. Shortly thereafter, he said, the C.I.A. asked him if it could make "substantial contributions" to the institute through the Kaplan Fund.

The school in Costa Rica ran 10-week sessions with about 50 to 60 Latin American politicians in each group. According to Mr. Thomas' financial adviser, many American Senators, Representatives and educators lectured in Costa Rica and later in the Dominican Republic.

"We were teaching people how to run a country," the adviser said.

The faculty also included Ivan Bosch, later president of the Dominican Republic, and

Jose Figueres, former president of Costa Rica. The two men have been among the most prominent democratic leftists in Latin America since World War II.

MOVED TO SANTO DOMINGO

The school left Costa Rica in 1963 when the Kaplan Fund said it could not contribute directly to political parties—which controlled the school—and retain its tax-exempt status.

The school was moved to Santo Domingo in the Dominican Republic, where Mr. Bosch had become president. It was reorganized as the Inter-American Center of Economic and Social Studies. In addition to its classes, the center also conducted the first economic survey of the Dominican Republic.

In another enterprise the center, known as C.I.D.E.S., joined with the Parvin Foundation of Santa Barbara, Calif., and the National Association of Broadcasters to produce films to teach literacy to the Dominicans.

Supreme Court Justice William O. Douglas, a board member of the Parvin fund, became a board member of the center, which was to administer the literacy project in the field.

Justice Douglas said yesterday he was unaware that the center had received most of its funds from the C.I.A.

The literacy project and the center's training school were abandoned when Mr. Bosch was overthrown by a military coup late in 1963. "Mr. Volman had to hide out for several days before he escaped from the country," Mr. Thomas said.

"This C.I.A. thing is the strangest thing I've ever heard of," Mr. Thomas said. "When Bosch was overthrown we always thought the C.I.A. was fighting against us."

The publishing company in Mexico was discontinued in 1965, and the institute closed down last year.

"We still had a little money," Mr. Thomas said with a chuckle, "so we used to publish a strong attack on the American Government's intervention in the Dominican Republic. The C.I.A. didn't get much for that money."

Mr. KENNEDY. Mr. President, will the Senator yield? Is the Senator prepared to yield now for some questions?

Mr. THURMOND. I will be glad to yield to the Senator.

Mr. KENNEDY. Mr. President, I have listened to the Senator from South Carolina. I wish the Senator from South Carolina would give us some idea as to the exact participation by Justice Douglas in this center because, as the Senator from South Carolina must know from his study, this center existed for some 2 or 3 years and was involved in bringing the non-Communist left in the Latin American countries to a center to teach them to be able to organize and fight against the radical left in these countries. As we later found out, it was supported by the CIA, and when that became apparent, obviously none of the countries in Latin America or the political parties would send their young people to the center. During the prior period they invited many Americans to come there, to lecture, and to participate in some of the seminars.

I would like to find out if whether the Senator is saying that the Justice came down and lectured, as they do in many colleges and universities, or what? What was the association of the Justice with the school? Will the Senator tell me?

Mr. THURMOND. I just explained.

Mr. KENNEDY. I listened.

Mr. THURMOND. Mr. President, Justice Douglas has taken an active part in the so-called Inter-American Center for

June 9, 1969

CONGRESSIONAL RECORD — SENATE

S 6211

Economic and Social Studies, an organization financed by the Parvin Foundation and the Kaplan Foundation, and ultimately, the Central Intelligence Agency.

Therefore, for a Justice of the Supreme Court to become associated with a foundation which is financing an organization in South America, and take an active part in it, can only create controversy, and involve a U.S. Supreme Court Justice in an organization that, in turn, brought about criticism, as I said earlier, of the President of the United States, the foreign policies of the United States, and attack upon the United States.

Mr. KENNEDY. With reference to what the Senator has said—and he read it three or four times—I wish we might be able to get a clearer explanation of whatever the Senator wishes to convey on this matter. Is it that the Parvin Foundation made some contribution to a center in Latin America which the Senator from South Carolina has labeled as a left-leaning socialistic organization?

Mr. THURMOND. Yes, I used those words.

Mr. KENNEDY. That same school was also being supported by the Central Intelligence Agency; and eventually, as we know, when the CIA part became revealed, they withdrew support and the school collapsed.

I have difficulty in following along, other than the general names the Senator mentioned. I am wondering what special discredit it brings to Justice Douglas to mention the person who fled from Communist Romania.

Furthermore, the Senator made charges about the association with the center and then failed on the floor of the Senate to indicate exactly what that association was other than that in a financial way the Parvin Foundation supported it.

Mr. THURMOND. Is the Senator asking a question?

Mr. KENNEDY. I am not sure whether the Senator stated that Justice Douglas went down to lecture.

Mr. THURMOND. Justice Douglas is a U.S. Supreme Court Justice. He is supposed to stay here and decide cases. He is running around all over the country making speeches, and he is making them for fees and other things. He took nearly \$85,000 from the Parvin Foundation in 6 years. He took \$500 a day from this Center for the Study of Democratic Institutions, which had all kinds of participants.

I had printed in the RECORD last Thursday, if the Senator was here, his record on that point.

Today I am putting Justice Douglas' record in the CONGRESSIONAL RECORD showing that he, as chairman of the Parvin Foundation, was a board member of this Inter-American Center for Economic and Social Studies that I just mentioned.

My opinion is that Justice Douglas should stay out of these things and be completely aloof from any controversial questions. He should not be a member of this foundation or that foundation. He should not be drawing funds and compensation for foundations. Now, he is connected with

this Parvin Foundation which contributed to this Inter-American Center for Economic and Social Studies which is causing a lot of repercussion.

Mr. KENNEDY. What was that word? Mr. THURMOND. And it has culminated in vicious attacks on the United States, the President of the United States, and policies of the United States. If these activities are in line with the duties of a Supreme Court Justice, I misinterpret the duties of a Supreme Court Justice.

Mr. KENNEDY. Was the Justice criticizing U.S. policies, or was this organization criticizing U.S. policies?

Mr. THURMOND. He was chairman of the Parvin Foundation that furnished money to this organization, the Inter-American Center for Economic and Social Studies, and the activities of this Inter-American Center resulted in vicious attacks on this country and its policies.

Mr. KENNEDY. Does the Senator mean the actions of the center resulted in the attacks?

Mr. THURMOND. The Senator is correct.

Mr. KENNEDY. Down in Costa Rica. Down in that center in Costa Rica they were criticizing the United States.

Mr. THURMOND. This Parvin Foundation contributed money.

Mr. KENNEDY. One would not have had to go to Costa Rica to hear criticism of the Dominican Republic.

Mr. THURMOND. I disagree. Justice Douglas should not have taken any part in this matter. I condemn him for it and I think it is another reason why he should resign from the Supreme Court.

Mr. KENNEDY. The Senator is referring to taking part in any educational and cultural institutions. What about medical institutions? Just this afternoon we confirmed—and I voted for it—the nomination of Justice Burger who received funds from the Mayo Foundation, which is one of the great institutions in the medical field.

Mr. THURMOND. I do not think Supreme Court Justices should take part in any matter that later might come before the Supreme Court.

Mr. KENNEDY. Is the Dominican Republic going to come before the Supreme Court?

Mr. THURMOND. If the Senator will permit me to finish he can have the floor, and I am just about finished with my remarks.

I do not think the Supreme Court should take part in any matter of a political nature which he may later have to pass upon. I think that a Supreme Court Justice must not put himself in a position where he will be embarrassed later by having to act on matters in which he has taken an active part. That is all I have to say.

I yield the floor.

Mr. KENNEDY. I think there has been much talk about the role and responsibility of justices. It is my feeling, looking back over the history of the judiciary, particularly in that our judicial system sprang from the English system, that going back 400 or 500 years

at least some kind of association with the events that are taking place in everyday life.

Now, obviously, as we have seen during the past few weeks and the past few months, there have to be narrowly defined and sharply defined criteria which should be established. But we should not have the Justices of this great Nation completely isolated, completely unaware of any of the kinds of issues or of the dynamics taking place in American life and society. Certainly I think that when a Justice of the Supreme Court, such as Mr. Douglas, who has had such a distinguished career, has participated in educational activities which have been supported by agencies of the Government of the United States, including the Central Intelligence Agency, we should not expect to utilize the opportunity to say that we are going to condemn that Justice just because we disagree with what his views happen to be on many of the important issues of the time.

That is a great disservice to him as an individual and it is also a disservice to the institution. Similarly, I feel that Judge Burger, from his experience and association on the Mayo Foundation, and he has participated in that foundation for many years, is able to relate and gain from his experience with that association. Obviously, we might be able to find extreme cases where there will be medical issues which will come up before the Supreme Court later, which may be related to the Mayo interests in some distant way, and some might come out and say, "Well, this is something improper."

I think it gets to the basic question as to really what we will have on the judiciary. I certainly would not want, in our country, a judiciary completely isolated or completely remote from the great forces which exist in our society today. I think that with all due respect to the Senator from South Carolina, if I use the words "reaching" or "stretching" to describe what it takes to try to make Justice Douglas appear an un-American and unethical individual, I do not think that would be a gross overstatement. Certainly, I could not let those kinds of charges against an individual who had served the judiciary with such distinction and has been such a noble American be aired on the floor of the Senate while I was in the Chamber and let them go unresponded to.

Mr. THURMOND. Mr. President, I shall have other speeches to make on this subject, and if the Senator wants to be in the Chamber at that time, I invite him to be present.

Mr. KENNEDY. Fine.

Mr. THURMOND. I think it is perfectly ridiculous for an Associate Justice of the Supreme Court, or a Chief Justice of the United States, to serve on a foundation upon which, later, he may have to pass judgment. It is wrong for them to accept outside compensation, as Justice Douglas has done from the Parvin Foundation. He has received about \$85,000 from them. It is wrong for a Justice of the Supreme Court to accept compensation, as he did, from the Center for the Study of Democratic Institutions to the extent of \$500 a day. I think it is wrong

S6212

CONGRESSIONAL RECORD — SENATE

June 9, 1964

for him to serve as a member of the board of directors on the Inter-American Center—I want to bring out that he sat on this very center as a member of the board of directors.

All these things are calculated to entwine him in controversial matters on which later he may have to pass judgment.

Mr. KENNEDY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. Justice Douglas has placed himself in a controversial position, which I think is untenable and I think more than ever, as I have stated heretofore, his record is such that he should feel ashamed to stay on the Supreme Court.

Mr. KENNEDY. Mr. President, will the Senator from South Carolina yield?

Mr. THURMOND. I yield.

Mr. KENNEDY. Could the Senator give us the other directors of that center? Does he have the list with him now?

Mr. THURMOND. I do not have the names, although I will be very glad to get them for the Record if the Senator would like to have them.

Mr. KENNEDY. I think they should be included in the Record.

Mr. THURMOND. I am not discussing others today.

Mr. KENNEDY. I believe they should be included in the Record, because I believe there are many distinguished friends of ours from Latin America who have demonstrated time and again their identification and association with the free forces of Latin America, and I think we should have that included so that there is no suggestion, by association, that Justice Douglas is serving with anyone but very distinguished and outstanding individuals.

Mr. THURMOND. The only difference there is that Justice Douglas is on the Supreme Court and they are not. Justice Douglas is supposed to uphold the standards of this country and he is not doing it.

Mr. KENNEDY. Could I ask the Senator what kinds of controversy the Senator is talking about? This seems to come to the Senator offhand. Where has the Justice been involved in matters of controversy which have come before the Supreme Court. Would the Senator answer that?

Mr. THURMOND. Answer what? [Laughter.]

Mr. KENNEDY. Could the Senator give us one example, or half a dozen examples or illustrations, where Justice Douglas has been involved in some kind of controversy which has eventually come to the Supreme Court of the United States and on which he has voted, or because he has been involved, perhaps, he has had to disqualify himself?

Mr. THURMOND. It is perfectly ridiculous—is not the Senator a lawyer?—it is perfectly ridiculous for any lawyer to think that a Supreme Court Justice should be a member of any board or foundation—

Mr. KENNEDY. Could the Senator answer the question?

Mr. THURMOND. Where later he may have to pass upon some legal question concerning them.

Mr. KENNEDY. Well, now, could I ask the Senator for an example of that?

Mr. THURMOND. The tax-exempt situation of the Parvin Foundation may end up in the Supreme Court, I can tell the Senator that. And, if Justice Douglas is on that Court, he may have to act or be called upon to act upon some facet of the case.

Mr. KENNEDY. Will the Senator give us one example of a past controversy? The Senator has been talking about controversies so generously here this afternoon in which Justice Douglas has been involved which have eventually come up to the Supreme Court. Would the Senator give us some examples?

Mr. THURMOND. I have recited instance after instance. The Parvin Foundation is one I have recited, and the—

Mr. KENNEDY. What?

Mr. THURMOND. The Center for the Study of Democratic—

Mr. KENNEDY. That will come up before the Supreme Court?

Mr. THURMOND. It may. It could come up.

Mr. KENNEDY. In what way?

Mr. THURMOND. On some legal question, if they are not entitled to a tax exemption. That point will probably be raised. Then, suppose it does go up to the Supreme Court? What is Justice Douglas going to do then?

Mr. KENNEDY. What are some of the others? That is the tax exemption of a corporation which could apply to any charitable group in which a Justice might be involved. But what are the other kinds of controversies in which the Senator says the Justice has been involved that can come up to the Supreme Court? Where, in any time in the past since Justice Douglas has been on the Supreme Court, has he had to disqualify himself? Will the Senator give me any examples where he has had to disqualify himself?

Mr. THURMOND. With certain personnel involved in one of the organizations which may end up with a case in the Supreme Court.

Mr. KENNEDY. Has there been one in the past on this question?

Mr. THURMOND. That is not the question.

Mr. KENNEDY. That is the question I am asking the Senator from South Carolina.

Mr. THURMOND. He has no business to be involved in a matter which later may come to the Supreme Court and cause him to be biased or prejudiced in any way.

Mr. KENNEDY. How many years has Justice Douglas been on the Supreme Court?

Mr. THURMOND. Many years longer than he should have been. [Laughter.]

Mr. KENNEDY. How many times has Justice Douglas had to disqualify himself because controversies on matters in which he was involved? Would the Senator from South Carolina, who has been so easy with the reputation of a distinguished Justice of the Supreme Court, respond to that question?

Mr. THURMOND. Maybe he should have disqualified himself from con-

Mr. KENNEDY. What consideration?

Mr. THURMOND. The point is, he should not put himself in the position where he would have to disqualify himself; and, furthermore, he should not put himself in the position where what he is doing does not look right. A man in public office has got to appear to be right as well as be right. It does not appear right when a Justice of the Supreme Court puts himself in the position to draw \$85,000 from a foundation which later may have a case before the Supreme Court. It does not look right for a Justice of the Supreme Court to draw \$500 a day from this center—the Center for the Study of Democratic Institutions. He may have to act on something there. He may have to act on other cases about which I spoke this afternoon, this Inter-American Center, for example.

Why should he put himself in the position to have to disqualify himself? Why should he embarrass this country? Why should he take any part in anything except being a Supreme Court Justice? That is a big enough job in itself.

Mr. KENNEDY. The Senator is not going to get any argument from me about that being a big enough job in itself. That is not the question the Senator has raised. He has raised the question of controversies which Justice Douglas has been involved in while on the Court. Justice Douglas has been on the Supreme Court for 30 years and the Senator from South Carolina has been one of his strongest and most vocal opponents; one would expect that a Judge would have to disqualify himself from at least some cases in that period of time, but the Senator cannot quote one example here on the floor, where he can be challenged, during all the 30 years that Justice Douglas has been on the Supreme Court, where he has had to disqualify himself from a case that came up because of prior kinds of activities. What the Senator is saying is "Sometime in the future."

Mr. THURMOND. I mentioned—

Mr. KENNEDY. Tax-exempt foundations may be involved.

Mr. THURMOND. I mentioned this afternoon activities in which he should not have participated as a member of boards, and he was drawing compensation as a Supreme Court Justice, and making controversial speeches. I happened to have been at the University of Florida when he made a speech there. I was amazed that he was discussing foreign policy. I was amazed that he was discussing domestic policy.

I was amazed that he was expressing himself on all kinds of policies concerning which he might later have to decide a case.

Mr. KENNEDY. Did he in fact have to?

Mr. THURMOND. Cases may come up in the future.

Mr. KENNEDY. Has he had to in the past?

Mr. THURMOND. Cases may come up later.

Mr. KENNEDY. Has he had to in the past?

Mr. THURMOND. Mr. President, I